

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD O. CARMACK, HOWARD C. FREEMAN, CHARLES V. GREEN, DAVID S. HERRON, DARREN C. MARTIN, G. SCOTT RULONG, MARK J. SIMMONS, KARL SZABO, RAYMOND E. SZKOTAK, LI-WUN CHEN TAM, ROBERT C. ULESKI, FRANK W. WAGLE, and STEPHEN T. WEST

Appeal No. 96-3765
Application No. 08/209,522¹

ON BRIEF

Before THOMAS, JERRY SMITH, and GROSS, Administrative Patent Judges.

GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 4, 13, 14, 21 through 24, 33, and 34. Claims 5 through 12, 15 through 20, 25 through 32, and 35 through 40 have been canceled. Claims 41 through 52

¹ Application for patent filed March 10, 1994.

Appeal No. 96-3765
Application No. 08/209,522

stand objected to as being dependent upon a rejected base claim.

The appellants' invention relates to a method of providing communication between two machines. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for providing communication between a first machine and a second, the method comprising coupling a first video display output of the first machine to a first input port of the second machine, generating at the first video display output first video display signals to couple the first video display signals to the second machine, converting said first video display signals generated by the first machine at the first video display output into first instructions and data and using the first instructions and data to operate the second machine.

The prior art reference of record relied upon by the examiner in rejecting the appealed claims is:

Schultz et al. (Schultz)	4,754,428	June 28,
1988		

Claims 1 through 4, 13, 14, 21 through 24, 33, and 34 stand rejected under 35 U.S.C. § 103 as being unpatentable over Schultz.

Reference is made to the Examiner's Answer (Paper No. 21, mailed April 5, 1996) for the examiner's complete reasoning in support of the rejections, and to the appellants' Brief (Paper

Appeal No. 96-3765
Application No. 08/209,522

No. 20, filed February 2, 1996) and Supplemental Brief (Paper No. 23, filed March 10, 1999) for the appellants' arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by the appellants and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 1 through 4, 13, 14, 21 through 24, 33, and 34.

Claim 1 requires "a first video display output" and "generating at the first video display output first video display signals" (underlining added for emphasis). As admitted by the examiner (Answer, page 5), "Schultz does not disclose expressly the display output as a video display output and the display output signals as video display output signals." Instead Schultz "convert[s] printer command data derived from the printer output terminal" (Schultz, column 8, lines 3-4). The examiner, however, concludes (Answer, page 5) that it would have been obvious

to communicate via the inherent video display output and video display signals of Schultz (see, e.g., inherent to the use of a CRT display screen in Schultz, col. 6, ll. 47-49) in order to increase the input/output capacity of Schultz because communicating via the video display output port and signals frees any existing input-output ports and parallel printer ports for other types of communications.

The examiner assumes that Schultz's system inherently includes a video display output and video display signals. The phrase "video signal" generally is used in the context of televisions and conventionally is defined at least as narrowly as in the following dictionary definition presented by appellants (Brief, page 11): "The signal containing all of the visual information together with blanking and synchronizing pulses." Schultz discloses (column 7, lines 25-28) a "word processor or text source" for generating a document to be printed or displayed. Displaying text data requires at least a standard display signal, as that provided to a CRT, but not the synchronizing and blanking pulses of a video signal. Since the examiner has pointed to nothing in the reference to indicate that Schultz even contemplated use of a video signal, nor to any extrinsic evidence that Schultz actually includes

one, as a video signal is not generally used for word processors, we find that Schultz does not inherently include a video output and video signals. Since Schultz has no video output, and the examiner has not addressed whether or not it would have been obvious to include a video output and video signals, the substitution of a video display port for the printer port of Schultz would not have been obvious on this record.

Accordingly, we cannot sustain the rejection of claim 1 and its dependents, claims 2 through 4, 13, and 14. Furthermore, since claim 21 includes the same limitations found lacking from Schultz above, we will not sustain the rejection of claim 21 and its dependents, claims 22 through 24, 33, and 34.

Appeal No. 96-3765
Application No. 08/209,522

CONCLUSION

The decision of the examiner rejecting claims 1 through 4, 13, 14, 21 through 24, 33, and 34 under 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JERRY SMITH)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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ANITA PELLMAN GROSS)	
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Appeal No. 96-3765
Application No. 08/209,522

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